

# COUNTY OF YORK

## MEMORANDUM

**DATE:** June 3, 2003 (BOS Mtg. 6/17/03)

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator

**SUBJECT:** Application No. ZT-71-03, York County Planning Commission: Flood Hazard Management Overlay District Revisions

The Department of Environmental and Development Services is working on a project to enable the County to qualify under the Community Rating System (CRS) program administered by the Federal Emergency Management Agency as part of the National Flood Insurance Program (NFIP). The CRS program involves documentation of various floodplain management activities that a community may be undertaking. Based on the types of activities being undertaken by a locality, FEMA determines and assigns the CRS score for the locality and, depending on that rating, participants in the National Flood Insurance Program can receive reductions of between 5% and 45% on their insurance premiums. Part of the initial eligibility review process involved review of the County's current Floodplain Management Area Overlay District by FEMA officials. As a result of this review, certain minor revisions were determined to be necessary in order for the County's ordinance to be deemed in full compliance with current NFIP regulations. Certification of the ordinance is essential to eligibility for the CRS program.

The necessary / recommended amendments are as follows (page references are to the attached proposed Ordinance No. 03-24):

- Clarify and reinforce the requirement for all development, particularly within a flood hazard area, to be undertaken in accordance with all terms of the Zoning and Subdivision Ordinances (page 2, subsection (5));
- Insert language, as required by the NFIP regulations, indicating the information and documentation required to be shown on applications for development and building permits; this information is currently required as part of the County's development plan and building permit application process and this language simply reinforces current requirements (page 3, subsection (6));
- Clarify the definition of *basement* to state "all sides" rather than "all four sides" since a basement could have more than four sides/walls. (page 3);
- Add "storage of materials and equipment" to the definition of *development* since such an activity can be subject to inundation and damage by flooding. (page 3);
- Delete the definition of *floodway* since there are no designated floodways in York County. (page 4);
- Insert a definition of *Substantial Damage* and revise the definition of *Substantial Improvement*, both to conform to the wording of the NFIP regulations. The 50% threshold that is currently in effect remains the benchmark for determining the meaning of "substantial." (pages 4 and 5);

- Delete the reference to filing in a designated “floodway” since there are none in York County. (page 7);
- Clarify the prerequisites and notification procedures relative to proposals for modification or alteration of a watercourse. (page 8, subsection (6));
- Clarify that measurement is to the bottom of the lowest horizontal structural member (page );
- Insert a provision to emphasize the need to protect drainageway capacity (page 9, Subsection (10));
- Clarify / emphasize that variances from the floodplain management provisions granted by the Board of Zoning Appeals must be the minimum necessary to afford relief. (page 9, subsection (f)).

The Planning Commission considered this application at its meeting on January 8, 2003 and conducted a public hearing, at which there were no speakers. After discussion, the Commission voted 5:0 to recommend approval of the proposed amendments. Subsequent to the Commission’s action, staff forwarded the proposed text to FEMA officials for one last review. FEMA noted the need for several additional changes, none of which were significant or policy-changing, and those have been incorporated into the text that is shown in the attached proposed Ordinance No. 03-24.

#### Recommendation

Revision of the Floodplain Management Overlay provisions will ensure that the County remains in compliance with requirements that allow residents to participate in the National Flood Insurance Program. In addition, the modifications will allow the County’s Ordinance to meet the certification requirements necessary for participation in the Community Rating System (CRS) program administered by FEMA, which will enable flood insurance participants to be eligible for premium reductions. None of these amendments represent any substantive change in policy. Accordingly, I recommend approval through the adoption of proposed Ordinance No. 03-24.

Carter/3337:jmc

Attachment

- Planning Commission Minutes excerpt – January 8, 2003
- Proposed Ordinance No. 03-24